

# Daily Digest

## HIGHLIGHTS

Senate passed H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S9761–S9860*

**Measures Introduced:** Twelve bills and three resolutions were introduced, as follows: S. 1703–1714, and S. Res. 285–287. **Page S9840**

#### Measures Reported:

Special Report entitled “Further Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2010”. (S. Rept. No. 111–78)

S. 251, to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities, with an amendment in the nature of a substitute. (S. Rept. No. 111–79)

S. 1670, to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals, with amendments. **Page S9839**

#### Measures Passed:

***Enhanced Partnership With Pakistan Act:*** Senate passed S. 1707, to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people. **Pages S9812–17**

***Department of the Interior, Environment, and Related Agencies Appropriations Act:*** By 77 yeas to 21 nays (Vote No. 298), Senate passed H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, agreeing to the committee-reported amendment in the nature of a substitute, as amended, after taking action on the following amendments proposed thereto:

**Pages S9769–S9812**

#### Adopted:

Feinstein (for Bingaman) Amendment No. 2492, to provide funds for the Collaborative Forest Landscape Restoration Fund, with an offset. **Pages S9769, S9772**

Feinstein (for Risch/Crapo) Amendment No. 2501, to provide for the use of certain funds for the Upper Snake/South Fork River Area of Critical Concern. **Pages S9769, S9772**

Feinstein (for Carper) Amendment No. 2505, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions. **Pages S9769, S9772**

Feinstein (for Roberts) Amendment No. 2509, to encourage the Administrator of the Environmental Protection Agency to reassess the cost-effectiveness of the buyout and relocation of residents of certain properties in Treece, Kansas. **Pages S9769, S9772**

Feinstein Amendment No. 2518, to make technical corrections to certain State and tribal assistance grants. **Pages S9769, S9773**

Feinstein Amendment No. 2519, to extend a special use permit for Drake’s Estero at Point Reyes National Seashore, California. **Pages S9769, S9773**

Feinstein (for Feingold) Amendment No. 2522, to clarify the authority of the Secretary of Agriculture regarding the coordination of biobased product activities. **Pages S9769, S9773, S9775**

Feinstein (for Whitehouse) Modified Amendment No. 2534, to express the sense of the Senate that the National Vehicle Mercury Switch Recovery Program is an effective way to address mercury pollution in the United States and should continue. **Pages S9769, S9773**

Feinstein (for Bingaman/Murkowski) Modified Amendment No. 2491, to modify the composition of the Board of Directors of the National Forest Foundation. **Pages S9769, S9773–74**

Feinstein (for Schumer/Durbin) Amendment No. 2495, to support the Pest and Disease Revolving Loan Fund. **Pages S9769, S9774**

Feinstein (for Tester) Amendment No. 2507, to limit the increase in cabin user fees, with an offset.

Pages S9769, S9774

Feinstein (for Bingaman) Modified Amendment No. 2493, to provide funds for the Flame Fund.

Pages S9769, S9774–75

Coburn Modified Amendment No. 2511, to prohibit no-bid contracts and grants.

Pages S9800–01

Coburn Amendment No. 2463, to require public disclosure of certain reports.

Pages S9799, S9801

Coburn Amendment No. 2523, to secure our borders and protect our environment.

Pages S9799, S9801–03

Isakson Further Modified Amendment No. 2504, to encourage the participation of the National Park Service in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009.

Pages S9769, S9804

Feinstein (for Barrasso) Amendment No. 2535, to provide for the use of certain funds for an Indian estate planning assistance program.

Page S9804

Feinstein (for Bennett) Amendment No. 2527, to modify the definition of the term “Beaver Dam Wash National Conservation Area Map”.

Page S9804

Coburn Modified Amendment No. 2482, to protect property owners from being included without their knowledge or consent in the Federal preservation and promotion activities of any National Heritage Area.

Pages S9800, S9806

Dorgan/Conrad Amendment No. 2441, to provide for the inclusion of property in, or removal of property from, the Northern Plains Heritage Area.

Page S9807

Reid Amendment No. 2531, to make funds available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada.

Pages S9794, S9807

Feinstein (for Inhofe) Amendment No. 2445, to provide for the expedited cleanup of the Tar Creek Superfund Site.

Page S9811

Rejected:

Vitter Amendment No. 2549, to ensure that the Assistant to the President for Energy and Climate Change (commonly known as the “White House Climate Change Czar”) is not directing actions of departments and agencies funded by this Act. (By 57 yeas to 41 nays (Vote No. 295), Senate tabled the amendment.)

Pages S9784–94, S9806

Ensign motion to recommit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate, with changes. (By 64 yeas to 34 nays (Vote No. 296), Senate tabled the motion.)

Page S9806

Coburn Amendment No. 2483, to help preserve America’s national parks and other public land treasures by reducing maintenance backlogs that threaten the health and safety of visitors. (By 79 yeas to 19 nays (Vote No. 297), Senate tabled the amendment.)

Pages S9799–S9800, S9803–04, S9807

Withdrawn:

Carper Amendment No. 2456, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

Pages S9775, S9769

During consideration of this measure today, Senate also took the following action:

**Cloture Motion—Agreement:** A unanimous-consent agreement was reached providing that the previously scheduled votes on the motion to invoke cloture on the committee-reported amendment in the nature of a substitute, and the motion to invoke cloture on the bill, be withdrawn.

Pages S9761, S9769

Chair sustained a point of order against Collins Amendment No. 2498, to provide that no funds may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters, and such official submits certain reports biannually to Congress, as being in violation of Rule XVI of the Standing Rules of the Senate, which prohibits legislation on an appropriation bill, and the amendment thus fell.

Pages S9769, S9799

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Feinstein, Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson (NE), Tester, Inouye, Alexander, Cochran, Bennett, Gregg, Murkowski, Collins, and Bond.

Page S9812

**Fiscal Year 2010 Federal Aviation Administration Extension Act:** Senate passed H.R. 3607, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, clearing the measure for the President.

Page S9856

**Reserve Officers Association Modernization Act:** Senate passed S. 1599, to amend title 36, United States Code, to include in the Federal charter of the

Reserve Officers Association leadership positions newly added in its constitution and bylaws.

Page S9856

**Military Officers Association of America:** Committee on the Judiciary was discharged from further consideration of S. 832, to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and the bill was then passed.

Pages S9856–57

**Sidney M. Aronovitz United States Courthouse:** Committee on Environment and Public Works was discharged from further consideration of H.R. 2913, to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the “Sidney M. Aronovitz United States Courthouse”, and the bill was then passed, clearing the measure for the President.

Page S9857

**Ralph Regula Federal Building and United States Courthouse:** Committee on Environment and Public Works was discharged from further consideration of H.R. 1687, to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the “Ralph Regula Federal Building and United States Courthouse”, and the bill was then passed, clearing the measure for the President.

Page S9857

**Albert Armendariz, Sr., United States Courthouse:** Committee on Environment and Public Works was discharged from further consideration of H.R. 2053, to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the “Albert Armendariz, Sr., United States Courthouse”, and the bill was then passed, clearing the measure for the President.

Page S9857

**William O. Lipinski Federal Building:** Committee on Environment and Public Works was discharged from further consideration of H.R. 2498, to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the “William O. Lipinski Federal Building”, and the bill was then passed, clearing the measure for the President.

Page S9857

**Galveston Historical Foundation:** Committee on Environment and Public Works was discharged from further consideration of H.R. 2121, to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation, and the bill was then passed, clearing the measure for the President.

Page S9857

**Fatalities in Storms and Floods in the State of Georgia:** Senate agreed to S. Res. 286, expressing condolences to the families of the individuals killed during unusual storms and floods in the State of

Georgia between September 18 and September 21, 2009, and expressing gratitude to all of the emergency personnel who continue to work with unyielding determination to meet the needs of Georgia’s residents.

Page S9858

#### Measures Considered:

**Department of Defense Appropriations Act—Agreement:** Senate began consideration of H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010.

Pages S9817–32

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Friday, September 25, 2009.

Page S9859

**Nominations Confirmed:** Senate confirmed the following nominations:

Peggy E. Gustafson, of Illinois, to be Inspector General, Small Business Administration. (Prior to this action, Committee on Homeland Security and Governmental Affairs was discharged from further consideration.)

Jonathan B. Jarvis, of California, to be Director of the National Park Service.

Pages S9860, S9859

**Nominations Received:** Senate received the following nominations:

Frederick D. Barton, of Maine, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Bill Delahunt, of Massachusetts, to be a Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

Elaine Schuster, of Florida, to be a Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

Christopher H. Smith, of New Jersey, to be a Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

Mary Burce Warlick, of Virginia, to be Ambassador to the Republic of Serbia.

Wellington E. Webb, of Colorado, to be an Alternate Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

Jide J. Zeitlin, of New York, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Jide J. Zeitlin, of New York, to be Alternate Representative of the United States of America to the

Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

Islam A. Siddiqui, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

A routine list in the Foreign Service.

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<b>Messages from the House:</b>	<b>Page S9837</b>
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**Record Votes:** Four record votes were taken today. (Total—298) **Page S9806, S9807, S9812**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 7:12 p.m., until 9:30 a.m. on Friday, September 25, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9859.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Armed Services:* Committee ordered favorably reported 2,559 nominations in the Army, Navy, Air Force, and Marine Corps.

### MISSILE DEFENSE IN EUROPE

*Committee on Armed Services:* Committee concluded a hearing to examine the President's decision on missile defense in Europe, after receiving testimony from Michele A. Flournoy, Under Secretary for Policy, General James E. Cartwright, USMC, Vice Chairman, Joint Chiefs of Staff, and Lieutenant General Patrick J. O'Reilly, USA, Director, Missile Defense Agency, all of the Department of Defense.

### EMERGENCY ECONOMIC STABILIZATION ACT

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the Emergency Economic Stabilization Act, one year later, focusing on the status of efforts to address transparency and accountability issues, after receiving testimony from Herbert M. Allison, Jr., Assistant Secretary for Financial Stability, Neil Barofsky, Special Inspector General, Troubled Asset Relief Program, both of the Department of the Treasury; Gene L. Dodaro, Acting Comptroller General of the United States, Government Accountability Office; and Elizabeth Warren, Chairman, Congressional Oversight Panel.

### BUSINESS MEETING

*Committee on Finance:* Committee continued consideration of an original bill entitled, "America's Healthy Future Act of 2009", but did not complete action thereon, and recessed subject to the call and will meet again on Friday, September 25, 2009.

### GOVERNMENT PERFORMANCE

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine the government, focusing on performance, including key management practices in an agency which managers' reported use of performance information has improved, looking at agencies with relatively low use of performance information and the factors that contribute to this condition, and review the role the President and Congress can play in promoting a results-oriented and collaborative culture in the federal government, after receiving testimony from Jeffrey D. Zients, Deputy Director for Management of the Office of Management and Budget; Bernice Steinhardt, Director, Strategic Issues, Government Accountability Office; W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security; Rhea Suh, Assistant Secretary for Policy, Management and Budget, Department of the Interior; Michelle Snyder, Acting Deputy Administrator and the Deputy Chief Operating Officer, Centers for Medicare & Medicaid Services, Department of Health and Human Services; and Paul L. Posner, George Mason University Public Administration Program, Clifton, Virginia.

### U.S. DIPLOMATIC READINESS

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Oversight of Government